

1	BEFORE THE	
2	ILLINOIS COMMERCE COMMISSION	
3	Illinois Commerce Commission	)
4	On its own motion	)
	-vs-	)
5	360networks (USA) Inc., Accutel	) DOCKET NO.
	of Texas, Inc. D/b/a	) 05-0201
6	1-800-4-A-PHONE, Advanced TelCom,	)
	Inc. D/b/a Advanced Telcom Group	)
7	d/b/a ATG f/k/a Advanced Telcom	)
	Group, Inc., ALLTEL	)
8	Communications, Inc., Association	)
	Management Resources, Inc., Birch	)
9	Telecom of the Great Lakes, Inc.,	)
	BT Communications Sales LLC f/k/a	)
10	Concert Communications Sales LLC,	)
	CI2, Inc., City of Princeton,	)
11	Cogent Communications of	)
	Illinois, Inc. F/k/a Allied Riser	)
12	of Illinois, Inc., ComTech	)
	Solutions, LLC d/b/a Integrated	)
13	Connections f/k/a ComTech	)
	Solutions, LLC, Covad	)
14	Communications Company, Covista,	)
	Inc. F/k/a TotalTel, Inc.,	)
15	Cypress Telecommunications	)
	Corporation d/b/a Cytel,	)
16	dPi-Teleconnect, LLC, Easy Call,	)
	Inc., Egyptian Communication	)
17	Services, Inc., ElPaso Global	)
	Networks Company, ElPaso	)
18	Networks, LLC, Electric	)
	Lightwave, Inc., Epana Networks,	)
19	Inc., EZ RECONNECT, LLC,	)
	FairPoint Communications	)
20	Solutions Corp., Flat Rock	)
	Communications, Inc., Gridley	)
21	Communications, Inc., Henry	)
	County Communications Services,	)
22	Inc., Home TeleNetworks, Inc.,	)

1	Illini Telecommunications, Inc.,	)
	Illinois IntraNetwork, Inc.,	)
2	Integrated Communications	)
	Consultants, Inc., Lightspeed	)
3	Telecom, LLC, Local Fiber, LLC,	)
	Loop Telecom, LP, Madison Network	)
4	Systems, Inc., Metropolitan	)
	Telecommunications of Illinois	)
5	d/b/a MetTel, Moultrie InfoComm,	)
	Inc., MTCO Communications, Inc.,	)
6	Neon Telephone, Inc., NetworkIP,	)
	LLC, Norlight Telecommunications,	)
7	Inc., f/k/a NorLight, Inc.,	)
	Novacon LLC, NTERA, Inc., OnFiber	)
8	Carrier Services, Inc., Pacific	)
	Centrex Services, Inc.,	)
9	PersonalOffice, Inc., Premiere	)
	Network Services, Inc., Primo	)
10	Communications, Inc., Primus	)
	Telecommunications, Inc.,	)
11	Quick-Tel Communications, Inc.,	)
	RGT Utilities of California, Inc.,	)
12	Ripple Communications, Inc., SBA	)
	Broadband Services, Inc.,	)
13	ShawneeLink Corporation, SOS	)
	Telecom, Inc., Supra	)
14	Telecommunications and Information	)
	Systems, Inc., Telecourier	)
15	Communications Corporation,	)
	TelNet-IL, LLC, Universal Access,	)
16	Inc., US Signal Company, LLC d/b/a	)
	RVP Fiber Company, US TelePacific	)
17	Corp. D/b/a TelePacific	)
	Communications, Wabash Independent	)
18	Networks, Inc.	)
		)
19		)
		)
20	Removal of carriers from list of	)
	telecommunications carriers for	)
21	failure to file tariffs for the	)
	provision of local exchange	)
22	telecommunication services.	)



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APPEARANCES: (CONT'D.)

MR. KEMAL HAWA  
Chadbourn & Park  
1200 New Hampshire Ave., N.W.  
Washington, D.C. 20036

(Appearing on behalf of US Signal  
d/b/a RVP Fiber Company.)

MR. DENNIS K. MUNCY  
306 W. Church Street  
Champaign, Illinois 61820

(Appearing on behalf of Egyptian  
Communication Services, Inc.,  
FairPoint Communications Solutions  
Corp., Flat Rock Communications,  
Inc., Gridley Communications,  
Inc., Henry County Communications  
Services, Inc., Moultrie InfoComm,  
Inc., ShawneeLink Corporation,  
Wabash Independent Networks, Inc.,  
ComTech Solutions, LLC, and  
Integrated Solutions, LLC.)

MR. KEVIN SAVILLE  
2378 Wilshire Blvd.  
Mound, Minnesota 55364

(Appearing on behalf of Electric  
Lightwave, Inc.)

MR. TROY FODOR  
MR. E. M. Fulton, JR.  
913 S. Sixth Street  
Springfield, Illinois 62703

(Appearing on behalf of Home  
TeleNetworks, Inc., MTCO  
Communications, Inc., Lightspeed  
Telecom, LLC, and City of  
Princeton.)

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APPEARANCES: (CONT'D.)

MR. CONRAD RUBINKOWSKI  
527 E. Capitol Ave.  
Springfield, Illinois 62701

(Appearing on behalf of staff of  
the Illinois Commerce  
Commission.)

SULLIVAN REPORTING CO., by  
Laurel A. Patkes, Reporter  
CSR #084-001340

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INDEX

WITNESS	DIRECT	CROSS
None .		

EXHIBITS

None .

1 PROCEEDINGS

2 JUDGE WALLACE: Pursuant to the direction of  
3 the Illinois Commerce Commission, I now call Docket  
4 05-0201. This is the matter of the Illinois Commerce  
5 Commission, on its own motion, versus 360networks  
6 (USA), et al.

7 This is a citation to remove carriers  
8 from the list of telecommunications carriers for  
9 failure to file tariffs for the provision of local  
10 exchange telecommunications services.

11 May I have the appearances for the  
12 record, please? And we will start with those in  
13 Chicago.

14 MS. SHARP: Elizabeth Sharp on behalf of Loop  
15 Telecom, LP.

16 JUDGE WALLACE: I'm sorry, Ms. Sharp. You're  
17 appearing on behalf of who?

18 MS. SHARP: Loop Telecom, LP, L-o-o-p, like the  
19 Chicago loop, Your Honor.

20 MR. KELLY: Henry Kelly with Kelly, Dry &  
21 Warren, appearing on behalf of Covad Communications  
22 and OnFiber.

1           MR. LOPEZ: Nelson Lopez on behalf of Personal  
2   Office, Inc.

3           MS. BEDOYA: Diana Bedoya (B-e-d-o-y-a) on  
4   behalf of Easy Call, Inc. And Fernando Bedoya on  
5   behalf of Easy Call, Inc.

6           MR. HAWA: Kemal Hawa from Chadbourne & Park on  
7   behalf of US Signal d/b/a RVP Fiber Company.

8           JUDGE WALLACE: Ms. Sharp, would you give your  
9   address, please?

10          MS. SHARP: Certainly. 330 South Wells Street,  
11   Suite 706, Chicago, 60606.

12          JUDGE WALLACE: And Mr. Kelly?

13          MR. KELLY: My address is 333 West Wacker  
14   Drive, Chicago, Illinois 60606.

15          JUDGE WALLACE: Mr. Lopez?

16          MR. LOPEZ: The address is 251 North Milwaukee  
17   Avenue, Buffalo Grove, Illinois 60089.

18          JUDGE WALLACE: And Ms. Bedoya?

19          MS. BEDOYA: 4212 West Lawrence Avenue,  
20   Chicago, 60630.

21          JUDGE WALLACE: And Mr. Hawa?

22          MR. HAWA: Chadbourne & Park, 1200 New



1 Hampshire Avenue, N.W., Washington, D.C. 20036.

2 JUDGE WALLACE: Now we'll do the appearances in  
3 Springfield.

4 MR. RUBINKOWSKI: Conrad S. Rubinkowski, staff  
5 of the Illinois Commerce Commission, 527 East Capitol  
6 Avenue, Springfield, Illinois 62701.

7 MR. MUNCY: Dennis K. Muncy, 306 West Church  
8 Street, Champaign, Illinois 61820.

9 Your Honor, I'm entering appearances  
10 and filed entries of appearance previously for the  
11 following companies: Egyptian Communication  
12 Services, Inc., FairPoint Communications Solutions  
13 Corp., Flat Rock Communications, Inc., Gridley  
14 Communications, Inc., Henry County Communications  
15 Services, Inc., Moultrie InfoComm, Inc., ShawneeLink  
16 Corporation, Wabash Independent Networks, Inc.,  
17 ComTech Solutions, LLC, and Integrated Solutions,  
18 LLC.

19 MR. SAVILLE: Your Honor, Kevin Saville on  
20 behalf of Electric Lightwave, Inc. My address is  
21 2378 Wilshire Boulevard, Mound, Minnesota 55364.

22 MR. FODOR: Troy Fodor and E. M. Fulton, Jr.

1     Our business address is 913 South Sixth Street,  
2     Springfield, Illinois. The zip code is 62703. We  
3     are appearing on behalf of Home TeleNetworks, Inc.  
4     Our second client in this matter, Your Honor, is MTCO  
5     communications, Inc. Third is Lightspeed Telecom,  
6     LLC, and fourth is the City of Princeton.

7             JUDGE WALLACE: All right. Are there any other  
8     appearances?

9                     Let the record reflect there  
10    are no other appearances at today's hearing.

11                    We engaged in an off-the-record  
12    discussion concerning this. I will note that these  
13    are slightly different citations than what both the  
14    Commission and the parties are probably used to.

15                    The citation basically or the order  
16    directs the listed companies to appear here today to  
17    basically show the Commission why the certificates of  
18    service authority should not be rescinded.

19                    I have motions to dismiss filed by  
20    Mr. Fodor and Mr. Fulton on behalf of the City of  
21    Princeton and MTCO Communications.

22                    Do any of the other parties on the

1     phone wish to file any responsive pleadings, either  
2     motions to dismiss or a response to the order?

3             MR. KELLY:   Your Honor, this is Hank Kelly on  
4     behalf of Covad Communications and OnFiber.

5                     Our two clients would like an  
6     opportunity to respond to the citation.

7                     We know that we're already a month  
8     into the process but if possible, we would like a  
9     week or so to be able to file a written response.

10            JUDGE WALLACE:   All right.

11            MS. SHARP:   Your Honor, Elizabeth Sharp on  
12     behalf of Loop Telecom.

13                     I would like to have an opportunity to  
14     file a written response.

15                     I will tell you I'm leaving this  
16     afternoon and I'm going to be gone for a week, so I'm  
17     going to need more than just a week to respond, and I  
18     would ask for two and a half weeks to be able to  
19     complete my investigation of matters and file a  
20     written response.

21            MR. LOPEZ:   Your Honor, Nelson Lopez on behalf  
22     of Personal Office, Inc.

1 I'd like to get a chance to do a  
2 response also.

3 We did have our tariff ready, and we  
4 are ready to file it at any moment, so we would like  
5 to the opportunity to do that.

6 MR. HAWA: Judge Wallace, this is Kemal Hawa  
7 from Chadbourne.

8 I would like the opportunity to make  
9 an oral motion to dismiss and then determine whether  
10 or not any further pleadings are necessary.

11 I think an oral motion to dismiss  
12 would be appropriate because our client has acted in  
13 accordance with the law at all points, and it would  
14 save us legal resources to not have to file a written  
15 response if you're favorably persuaded.

16 Should I proceed with a brief argument  
17 now? I can keep it very brief.

18 JUDGE WALLACE: Just a minute.

19 Well, first of all, Mr. Rubinkowski?

20 MR. RUBINKOWSKI: Staff would, of course, like  
21 to respond to any oral argument this morning but also  
22 reserve the right to file a written response to any

1 oral argument.

2 JUDGE WALLACE: Okay. Let's go on around to  
3 see if others want to file anything, Mr. Hawa.

4 MR. HAWA: Okay.

5 MS. BEDOYA: Your Honor, this is Diana Bedoya  
6 on behalf of Easy Call, Inc.

7 We also have our tariffs ready, and I  
8 also have an argument that I would like to give right  
9 now.

10 JUDGE WALLACE: All right. Is anyone else in  
11 Chicago?

12 UNIDENTIFIED SPEAKER: That's it.

13 JUDGE WALLACE: Springfield?

14 MR. FODOR: Your Honor, as you know, we filed  
15 two motions to dismiss yesterday evening after 5.

16 Our two other clients would like the  
17 brief period that the other parties have mentioned to  
18 either move to dismiss or file some response in the  
19 interest of clarity making sure that any order  
20 entered doesn't remove other certificates that they  
21 have authority on.

22 JUDGE WALLACE: And that would be for

1       Lightspeed and Home TeleNetworks?

2               MR. FODOR:   Yes.

3               JUDGE WALLACE:   All right.

4                       Mr. Saville, we had discussed that  
5       your company has something else on file.   You would  
6       like that to go forward, so I suppose that we could  
7       wait on Electric Lightwave to see what happens in  
8       your other docket, 05-0190.   Is that the right  
9       number?

10              MR. SAVILLE:   Yes, that's correct, Your Honor.

11              JUDGE WALLACE:   Okay.

12              MR. SAVILLE:   I mean, I would be prepared to  
13       make an oral motion now to be dismissed from this  
14       proceeding pending that other proceeding or I could  
15       file a written motion, whichever would be your  
16       preference, Your Honor.

17              JUDGE WALLACE:   Okay.

18                       And Mr. Muncy?

19              MR. MUNCY:   Your Honor, I would like to have  
20       the opportunity for the clients that I have entered  
21       an appearance for to first review with them some of  
22       the motions that are being filed by other parties,

1 but I would also, and consistent with my earlier  
2 discussion, like the opportunity to at least file  
3 some brief response in regard to the multiple  
4 certificate issue which we discussed off the record  
5 just to make certain that there is not any  
6 inadvertent errors in cancelling interexchange  
7 authority which has been exercised by the companies  
8 as a part of this proceeding.

9 JUDGE WALLACE: All right then.

10 Okay. At this point, Mr. Hawa, if you  
11 want to go ahead with just a brief -- if it's going  
12 to be a brief motion, I'll take it. If it's going to  
13 be long, I'd just as soon as have it in writing.

14 MR. HAWA: I'll keep it brief then.

15 JUDGE WALLACE: All right.

16 MR. HAWA: Thank you, Judge Wallace.

17 US Signal has at all times acted in  
18 accordance with the law.

19 There are two operative provisions,  
20 Section 13.401(a) and 13.501.

21 13.401(a) states that the authority  
22 that is given to a carrier must be exercised within

1 two years of its issuance. Otherwise it's null and  
2 void.

3 US Signal has, in fact, exercised its  
4 authority in many ways. The authority converted to  
5 public utility status and thus the power of eminent  
6 domain.

7 US Signal is in the business of  
8 building a data transport network and does not  
9 provide regulated telecommunications services over  
10 that network, but to construct, to dig up the streets  
11 and deploy a network, you need the power of eminent  
12 domain; you need to obtain franchises; you need to  
13 interconnect with other incumbent carriers.

14 Without a certificate, you couldn't  
15 interconnect either. You need access to poles,  
16 ducts, conduits, and rights-of-way which are only  
17 attainable through the exercise of your authority.

18 To keep it brief, in short, 13.401(a)  
19 does not say within two years of the issuance of your  
20 certificate the certificate holder must provide the  
21 services that are specified in the certificate but  
22 rather only exercise the certificate.



1                   If the Illinois legislature had meant  
2     to say that you had to provide the services that are  
3     authorized in the certificate, it would have said so.

4                   As for Section 13.501, it says no  
5     telecommunications carrier shall offer or provide  
6     telecommunications services until a tariff is filed.

7                   US Signal has not filed a tariff, and  
8     it also has not yet provided any telecommunication  
9     services, so it's in accordance with that provision.

10                  If US Signal was to expand its service  
11     offerings from data transport, which are unregulated,  
12     to regulated telecommunication service offerings, it  
13     will file a tariff prior to doing so.

14                  For those reasons, I respectfully  
15     request that this proceeding with respect to US  
16     Signal be dismissed.

17                  JUDGE WALLACE: All right.

18                  Mr. Rubinkowski?

19                  MR. RUBINKOWSKI: Very briefly.

20                  You don't need a certificate unless  
21     you want to offer telecommunications services. The  
22     essence of a telecommunications carrier in the State

1 of Illinois is some entity that's going to be  
2 providing telecommunications services.

3 You can't file or you can't provide  
4 services without the filing of a tariff.

5 It's all well and good that you are in  
6 the business that you're in right now, but by your  
7 own admission, these are not telecommunication  
8 services that are regulated by the State of Illinois.

9 The word exercise is the same word  
10 that has been used in either the current act or the  
11 predecessor act since at least 1921.

12 If you're looking at original intent,  
13 exercise of an authority to provide telecommunication  
14 services I think to the person looking at that law  
15 would mean if you are going to exercise an authority  
16 to provide telecommunication services, you're going  
17 to be providing telecommunication services which by  
18 law you cannot offer until you've got a tariff on  
19 file.

20 Therefore, staff would oppose the  
21 motion to dismiss.

22 JUDGE WALLACE: Okay. Thank you.

1           MR. HAWA: Judge Wallace, may I briefly  
2 respond?

3           JUDGE WALLACE: Very, very briefly.

4           MR. HAWA: It seems to me the staff has  
5 conceded my point in saying that the statute does not  
6 say and since 1921 it has not said that the  
7 certificate holder has to provide the services  
8 specified in the certificate within two years. It  
9 says exercise, and the Illinois legislature has said  
10 that for nearly a hundred years now, and it could  
11 have changed it at any point.

12                   Again, to provide the services that US  
13 Signal provides, the construction of a data  
14 fiberoptic network, you could not do so without a  
15 certificate to provide local exchange services  
16 because you need the power of eminent domain, you  
17 need access, rights-of-way, poles, ducts, conduits,  
18 and to interconnect with other carriers which are  
19 things you cannot do absent the certificate that US  
20 Signal holds.

21                   But, again, I think also staff has  
22 conceded that US Signal is not in violation of

1     Section 13.501 of the act because, again, if US  
2     Signal is providing the services it says it is, then  
3     it would have no need to have filed a tariff by now  
4     because the statute says you file a tariff prior to  
5     providing regulated telecommunication services.

6             JUDGE WALLACE:   Okay.   Thank you.

7                     Going on, Ms. Bedoya, you wanted to  
8     make an oral statement?

9             MS. BEDOYA:   Yes, Your Honor.

10                    I was under the same I guess  
11    misunderstanding as well.

12             JUDGE WALLACE:   All right.   Ms. Bedoya, can you  
13    move to closer to the speaker, please?

14             MS. BEDOYA:   Sure.   Is that better?

15             JUDGE WALLACE:   Yes.

16             MS. BEDOYA:   Okay.   I guess I was under the  
17    same misunderstanding as well.

18                    Easy Call, Inc. Is a reseller of SBC.  
19    What we're doing is that we're going through SBC just  
20    for the local service, and that's the only thing that  
21    we're providing.

22                    The SBC only gives us the dial tone

1     itself, but then we're switching it over to another  
2     reseller. That too is why we haven't filed a tariff  
3     because Easy Call, Inc. Itself is not the one  
4     providing the service. We're going through a  
5     different reseller.

6                     And again, I was under the impression  
7     that the tariff is only filed if we're the ones  
8     providing the service.

9             JUDGE WALLACE: All right.

10            MR. RUBINKOWSKI: I think the definition of  
11     telecommunication services is pretty broad in this  
12     state, and I think it's broad enough to include what  
13     you're doing.

14                    Again, if you aren't doing something  
15     you thought required a certificate or if you don't  
16     have to file tariffs, why did you need the  
17     certificate? That's kind of what it boils down to.

18            MS. BEDOYA: Well, I can respond to that  
19     easily.

20                    About three years ago in the State of  
21     Illinois when we were trying to go through SBC to  
22     become a reseller or to actually be a reseller of

1     SBC, we needed to have a certificate.  Actually, this  
2     was five years ago.

3                     About two or three years ago, the  
4     change came into effect where ELECs like ourself  
5     weren't able to have a lot of the services that other  
6     ILECs were able to have, so in order for us to resell  
7     through another company, we need the certificate in  
8     order to resell through another company, but again,  
9     the tariffs weren't filed because we weren't  
10    providing the service itself.

11                    So I guess maybe it's a  
12    miscommunication on behalf of SBC's part, but, you  
13    know, we were under the impression --

14           MR. RUBINKOWSKI:  Well, I'm not going to  
15    believe that SBC would ever give out anything that  
16    isn't absolutely gospel.

17           MS. BEDOYA:  Oh, no, no.  That I understand,  
18    but I mean, that's the information that we received.  
19    That's why we needed the certificate, in order to  
20    resell through them or through another company.

21           JUDGE WALLACE:  All right.  Thank you,  
22    Ms. Bedoya.

1                   And Mr. Lopez, did you wish to make a  
2     statement?

3           MR. LOPEZ:  No.  I just wanted to file a motion  
4     to dismiss or respond to, give me about a week to  
5     respond, but we do have our tariff.

6                   We did send the tariffs into the  
7     Illinois Commerce Commission before we received a  
8     notice, and we do have notice -- it got crossed in  
9     the mail but we sent the tariff.

10                   After we sent the tariff, we got the  
11    notification of this hearing.

12                   So we do have proof that we did send  
13    in the tariff before we got notification of this  
14    hearing.

15           JUDGE WALLACE:  Okay.  All right.

16                   And Mr. Saville, you can go ahead and  
17    make an oral motion if you want.

18           MR. SAVILLE:  Thank you, Your Honor.

19                   Electric Lightwave Inc. Would just  
20    move that it be dismissed from this proceeding, Your  
21    Honor.

22                   Electric Lightwave, Inc. Has

1 previously been granted two certificates, one as a  
2 facility-based provider, one as a reseller.

3 We filed an application to withdraw  
4 those certificates with the Commission on  
5 March 21st.

6 I've a stamped acknowledgement from  
7 the clerk's office dated the 22nd of March which  
8 precedes the date of this Commission's order in this  
9 docket by one day.

10 In that application that was filed,  
11 we'd ask that our two certificates be withdrawn and  
12 that a new certificate be issued for resale to the  
13 entity that was formerly known as Electric Lightwave,  
14 Inc. And which has now been converted to an LLC,  
15 Electric Lightwave, LLC.

16 So we'd move that we be dismissed from  
17 this docket, Your Honor, and be allowed to proceed in  
18 the other docket which is Docket 05-0190.

19 JUDGE WALLACE: All right.

20 MR. HAWA: Judge Wallace, it's Kemal Hawa. If  
21 I could add just two more points, and I promise to  
22 keep it very brief and then I'll be done.



1 JUDGE WALLACE: All right. Go ahead.

2 MR. HAWA: First, it's a venerable principle of  
3 statutory construction that ambiguity in the statute  
4 be resolved in favor of the party against whom the  
5 administrative agency seeks to enforce it.

6 I think, based on not only my argument  
7 but the staff has also conceded, that the statute is  
8 ambiguous. It says exercise, and it doesn't say  
9 exercise the specific authority that's been  
10 authorized.

11 The second point that I wanted to  
12 make...

13 Unfortunately, it's slipping my mind  
14 so I may have to let that one go.

15 Thank you.

16 JUDGE WALLACE: Okay.

17 MR. RUBINKOWSKI: Can I respond?

18 JUDGE WALLACE: Go ahead.

19 MR. RUBINKOWSKI: Just getting back to the...  
20 I just think a written motion is really necessary  
21 here.

22 The statement by counsel would seem to  
25

1 indicate that these certificates could just go on  
2 forever without any type of offering of  
3 telecommunication services.

4 I think the argument that they need it  
5 for eminent domain is not well-taken.

6 Sure, they may need it for eminent  
7 domain. They need eminent domain if a party is not  
8 willing to grant them the easement rights that they  
9 feel are necessary.

10 This is a matter of arm's length  
11 bargaining, and they're trying to get a little more  
12 oomph on their side of the bargaining it seems.

13 I just, again, on behalf of staff,  
14 oppose the oral motion to dismiss.

15 JUDGE WALLACE: Okay.

16 MR. HAWA: Judge Wallace, the Commission has  
17 approved the interconnection agreement that --

18 JUDGE WALLACE: I've had enough oral argument.  
19 I think that we are getting into the point where if  
20 you want to make something in writing, that's fine.

21 All right. What I'm going to do now  
22 is I'm going to allow Ms. Sharp's request. You have

1 two and a half weeks to file something with the  
2 Commission, a response, motion to dismiss, whatever  
3 you want to entitle it.

4 Then Mr. Rubinkowski on behalf of  
5 staff can have time to respond to those.

6 I'm going to set this over to June  
7 15th for a further status hearing.

8 MS. BEDOYA: Your Honor, does that include the  
9 sending of the tariff if we already have them ready?

10 JUDGE WALLACE: No.

11 MS. BEDOYA: Does that include the two and a  
12 half week period?

13 JUDGE WALLACE: Ma'am, the Commission has  
14 prohibited carriers from sending in tariffs at this  
15 time, so you're not supposed to send in any tariffs  
16 until the Commission acts further in this matter.

17 MS. BEDOYA: Okay.

18 JUDGE WALLACE: Now, at this point I'm going to  
19 bore everyone.

20 I would note for the record that the  
21 following carriers have not appeared in today's  
22 hearing.

1           MR. KELLY: Your Honor, before you do that, can  
2 I make a statement on behalf of Birch Communications?

3           JUDGE WALLACE: Who is this?

4           MR. KELLY: This is Hank Kelly. I'm sorry.

5                   I spoke with representatives of Birch  
6 Communications yesterday. They were certified some  
7 time ago. They are not currently providing services  
8 in Illinois and have never provided services in  
9 Illinois. They are comfortable with the Commission's  
10 conclusion that their certificate be declared null  
11 and void and pursuant to the statute, but they didn't  
12 want the Commission to get the misimpression that  
13 they were totally blowing off this proceeding.

14                   I didn't file a formal appearance on  
15 their behalf because I wasn't authorized to do so.  
16 However, they did wish that I convey that message.

17           JUDGE WALLACE: And, you know, we won't hold it  
18 against them.

19           MR. KELLY: Thank you.

20           JUDGE WALLACE: Thank you.

21                   As I was saying, the following  
22 carriers have not appeared in today's hearing:

1 360networks (USA) Inc., AccuTel of Texas Inc. Doing  
2 business as 1-800-4-A-PHONE, Advanced TelCom, Inc.  
3 Doing business as Advanced Telcom Group doing  
4 business as ATG formerly known as Advanced Telcom  
5 Group, Inc., ALLTEL Communications, Inc., Association  
6 Management Resources, Inc., Birch Telecom of the  
7 Great Lakes, Inc., noting Mr. Kelly's statement, BT  
8 Communications Sales LLC, CI2, Inc., Cogent  
9 Communications of Illinois, Inc., Cypress  
10 Telecommunications Corporation d/b/a Cytel,  
11 dPi-Teleconnect, LLC, El Paso Global Networks  
12 Company, El Paso Networks, LLC, Epana Networks, Inc.,  
13 EZ RECONNECT, LLC, IlliCom Telecommunications, Inc.,  
14 Illinois IntraNetwork, Inc.

15 Now, this is where I got confused.

16 Did you enter an appearance, Mr. Muncy, on behalf of  
17 Integrated Communications?

18 MR. MUNCY: I entered an appearance for  
19 Integrated Solutions, LLC.

20 JUDGE WALLACE: Okay. So Integrated  
21 Communications Consultants, Inc., Kayla  
22 Communications, Inc., Local Fiber LLC, Madison

1 Network Systems, Inc., Metropolitan  
2 Telecommunications of Illinois d/b/a MetTel, Neon  
3 Telephone, Inc., NetworkIP, LLC, Norlight  
4 Telecommunications, Inc., Novacon LLC, NTERA, Inc.,  
5 Pacific Centrex Services, Inc., Premiere Network  
6 Services, Inc., Primo Communications, Inc., Primus  
7 Telecommunications, Inc., Quick-Tel Communications,  
8 Inc., RGT Utilities of California, Inc., Ripple  
9 Communications, Inc., SBA Broadband Services, Inc.,  
10 SOS Telecom, Inc., Supra Telecommunications and  
11 Information Systems, Inc., Telecourier Communications  
12 Corporation, TelNet-IL, LLC, Universal Access, Inc.,  
13 US TelePacific Corp. Doing business as TelePacific  
14 Communications, and that's it.

15 MR. RUBINKOWSKI: Excuse me, Judge. I believe,  
16 I don't think you named Covista, Inc. Formerly known  
17 as TotalTel, Inc.

18 JUDGE WALLACE: You're right. I skipped over  
19 them. Covista, Inc. Formerly known as TotalTel, Inc.

20 And, Mr. Muncy, I'm sorry, you did  
21 enter an appearance on ComTech Solutions, LLC?

22 MR. MUNCY: Yes, sir.

1 JUDGE WALLACE: Doing business as Integrated  
2 Connections?  
3 MR. MUNCY: Yes, sir.  
4 JUDGE WALLACE: Formerly known as ComTech  
5 Solutions, LLC?  
6 MR. MUNCY: Let me look at the list again.  
7 JUDGE WALLACE: While you're looking, I will  
8 note for the record that the chief clerk and  
9 Mr. Rubinkowski received a communication from Cogent  
10 Communications of Illinois, Inc. Saying that they  
11 were surrendering their certificate.  
12 MR. MUNCY: The answer is yes.  
13 JUDGE WALLACE: Okay.  
14 The list of carriers I just read --  
15 and thank you for bearing with me -- did not appear  
16 at today's hearing and their certificate will be  
17 rescinded.  
18 Now, I've already set a schedule.  
19 We'll come back June 15th at 10 o'clock.  
20 If people want to appear by telephone,  
21 that is fine except someone needs to set up a bridge  
22 that others can use.

1                   If anyone wants to do that, e-mail me  
2     and let me know ahead of time.

3                   So in the meantime, everyone has two  
4     and a half weeks to file a response and/or motion to  
5     dismiss to the citation order.

6           MS. SHARP:   Mr. Wallace, that would be  
7     May 13th, is that correct?

8           JUDGE WALLACE:  I have no calendar.  I'll take  
9     your word for it, May 13th.

10                  Mr. Rubinkowski has to get back with  
11     staff on some of these things so we'll leave it up  
12     to -- I don't know how much time you'll want to  
13     respond.

14           MR. RUBINKOWSKI:  I don't know how many I'll  
15     have to deal with yet.

16           JUDGE WALLACE:  Right.  So we'll hold that time  
17     frame up but we will have a status on  
18     June 15th.

19                  Does anyone else have anything they  
20     want to bring up at today's hearing?

21                  All right.  Hearing none, we are  
22     adjourned until June 15th at 10 a.m.



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Thank you very much.

(Whereupon the hearing was  
continued to June 15, 2005.)